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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/818,049	03/26/2001	Joe Depaolantonio	CSCO-93561.US.P	9199

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Third Floor
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EXAMINER

MOSLEHI, FARHOOD

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 06/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/818,049

Applicant(s)

DEPAOLANTONIO, JOE

Examiner

Farhood Moslehi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

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DETAILED ACTION

1. Claims 1-26 are presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-7,9,10,20 and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Nakashima et al. (6,470,385) (hereinafter Nakashima).
4. As per claim 1, Nakashima teaches a method of performing an audit of a network, said method comprising the steps of:
 - a) querying of devices in said network for device configuration information, wherein said plurality of devices comprise at least one node which is specified by said configuration information (e.g. col. 1, lines 42-55);
 - b) based on a response from said plurality of devices to said queries of said step a), issuing a plurality of queries to retrieve status information from a plurality of nodes in said network (e.g. col. 1, lines 42-55);
 - c) analyzing the responses to said status queries to create network audit information (e.g. col. 1, lines 45-50); and

d) reporting said network audit information (e.g. Figure 9).

5. As per claim 20, it is rejected for similar reasons as stated above.

6. As per claim 24, it is rejected for similar reasons as stated above.

7. As per claim 2, Nakashima teaches the method wherein said step c) comprises the step of: c1) including advice based on said analysis in said network audit information (e.g. col. 5, lines 20-25).

8. As per claim 3, Nakashima teaches the method wherein said step d) comprises the step of: d1) transferring said network audit information to a user (e.g. Figure 1).

9. As per claim 4, Nakashima teaches the method wherein said network audit information is presented in a table selected the group consisting of: hardware summary, fault management, performance analysis, configuration management, and capacity planning (e.g. col. 6, lines 49-60).

10. As per claim 5, Nakashima teaches the method wherein said step b) comprises the step of: b1) repeating a query to retrieve status information from a first node of a first device of said plurality of devices at a pre-determined interval (e.g. col. 1, lines 42-55).

11. As per claim 6, Nakashima teaches the method wherein:
Said step c) comprises the step of determining that a condition exists at a first node of a first device of said plurality of devices that requires corrective action (e.g. col. 8, lines 60-67 and col. 9, lines 1-16); and said step d) comprises the step of reporting said condition (e.g. col. 8, lines 60-67 and col. 9, lines 1-16).

12. As per claim 7, it is rejected for similar reasons as stated above.

13. As per claim 9, Nakashima teaches the method further comprising the steps of:

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- e) storing network audit information for a first node of a first device of said plurality of devices on a computer readable medium (e.g. col. 8, lines 29-50); and
- f) automatically accessing and transferring said network audit information for said first node in response to a request for additional information regarding said first node (e.g. col. 8, lines 29-50).

14. As per claim 10, Nakashima teaches the method further comprising the step of:
e) determining the types of devices in said network, wherein said network comprises a plurality of types of devices (e.g. col. 1, lines 42-55).

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claims 8,11,21 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakashima in view of Topff et al. (6,026,500) (hereinafter Topff).

17. As per claim 8, Nakashima does not specifically teach the method further comprising the steps of:

- e) ranking said plurality of nodes by severity of defects; and
- f) including said ranking in said network audit information.

Topff teaches the method further comprising the steps of:

- e) ranking said plurality of nodes by severity of defects (e.g. col. 1, lines 20-30); and

f) including said ranking in said network audit information (e.g. col. 1, lines 20-30). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Nakashima with Topff. The motivation would have been to provide an alarm window for managing the network.

18. As per claim 21, it is rejected for similar reasons as stated above.

19. As per claim 25, it is rejected for similar reasons as stated above.

20. As per claim 11, Nakashima does not specifically teach the method wherein said step a) comprises the step of: a1) basing a query to a device on said device type. Topff teaches the method wherein said step a) comprises the step of: a1) basing a query to a device on said device type (e.g. col. 3, lines 36-45). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Nakashima with Topff. The motivation would have been to provide for managing different devices in a network.

21. Claims 12,14,15, 17-19 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakashima in view of Bavant et al. (6,529,473) (hereinafter Bavant).

22. As per claim 12, Nakashima teaches a method of performing an audit of network comprising a plurality of optical routing devices, said method comprising of steps of:
a) querying of devices in said network for device configuration information, wherein said plurality of devices comprise at least one node which is specified by said configuration information (e.g. col. 1, lines 42-55);

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b) based on a response from said plurality of devices to said queries of said step a), issuing a plurality of queries to retrieve status information from a plurality of nodes in said network (e.g. col. 1, lines 42-55);

c) analyzing the responses to said status queries to create network audit information (e.g. col. 1, lines 45-50); and

d) reporting said network audit information (e.g. Figure 9).

Nakashima does not specifically teach a) determining the nodes that each of said plurality optical routing devices comprises and determining for each said node its type, wherein said optical routing devices are operable to provide an interface between data transferred on an optical communication link and a communication link which is not optical. Bavant teaches a) determining the nodes that each of said plurality optical routing devices comprises and determining for each said node its type, wherein said optical routing devices are operable to provide an interface between data transferred on an optical communication link and a communication link which is not optical (e.g. col. 1, lines 15-22). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Nakashima with Bavant. The motivation would have been to provide for monitoring of an optical node.

23. As per claim 14, Nakashima teaches the method wherein said step c) comprises the step of: c1) including advice based on said analysis in said network audit information (e.g. col. 5, lines 20-25).

24. As per claim 26, it is rejected for similar reasons as stated above.

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25. As per claim 15, Nakashima teaches the method wherein said step b) comprises the step of: b1) repeating a query to retrieve status information from a first node of a first device of said plurality of devices at a pre-determined interval (e.g. col. 1, lines 42-55).

26. As per claim 17, it is rejected for similar reasons as stated above.

27. As per claim 18, it is rejected for similar reasons as stated above.

28. As per claim 19, it is rejected for similar reasons as stated above.

29. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakashima in view of Bavant and in further view of Topff.

30. As per claim 13, Nakashima in combination with Bavant do not specifically teach the method wherein said step c) comprises the step of: c1) determining if a critical condition exists in said network by applying pre-determined rules to said status queries, wherein said rules are based on the node type. Topff teaches the method wherein said step c) comprises the step of: c1) determining if a critical condition exists in said network by applying pre-determined rules to said status queries, wherein said rules are based on the node type (e.g. col. 2, lines 31-42). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Nakashima, Bavant and Topff. The motivation would have been to provide for a way to flag critical conditions in an optical network.

31. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakashima in view of Bavant and in further view of Ouellet et al. (6,584,535) (hereinafter Ouellet).

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32. As per claim 16, Nakashima in combination with Bavant do not specifically teach the method wherein said node types are selected from the group consisting of: Dynamic Packet Transport (DPT), Packet Over Synchronous (POS), and Optical Regenerators. Ouellet teaches the method wherein said node types are selected from the group consisting of: Dynamic Packet Transport (DPT), Packet Over Synchronous (POS), and Optical Regenerators (e.g. col. 2, lines 12-25). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Nakashima, Bavant and Ouellet. The motivation would have been to provide for a packet transport system.

33. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakashima in view of Schlosser et al. (5,968,122) (hereinafter Schlosser).

34. As per claim 22, Nakashima does not specifically teach the computer readable medium wherein said method further comprises the steps of:
e) reporting that a critical condition exists at a first active node(e.g. col. 6, lines 58-67) ;
and f) reporting that a warning condition exists at a second active node (e.g. col. 6, lines 58-67). It would have been obvious to one of ordinary skills in the art at the time the invention was made to combine Nakashima with Schlosser. The motivation would have been to provide for an alert system.

35. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakashima in view of "Official Notice".

36. As per claim 23, Nakashima does not specifically teach the computer readable medium wherein said method further comprises the steps of:

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e) reporting a trend of network data over time.

"Official Notice" is taken that both the concept and the advantages of reporting network data over time is well known and expected in that art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to display the data over time. The graph would provide for an easier way of monitoring network performance.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farhood Moslehi whose telephone number is 703-305-8646. The examiner can normally be reached on M-F 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 703-305-8498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

fm


ZARNI MAUNG
PRIMARY EXAMINER